

RECEIVED  
CENTRAL FAX CENTER

DEC 08 2005



Vertex Pharmaceuticals Incorporated  
130 Waverly Street • Cambridge, MA 02139-4242  
Tel. 617.444.6100 • Fax 617.444.6483  
<http://www.vrtx.com>

---

## FAX TRANSMISSION

To	USPTO
Examiner	Kahsay Habte
Fax Number	(571) 273-8300
From	Karen E. Brown
Date	December 8, 2005
Application No.	10/700,936
	Reply to Notice of Non-Compliant Amendment
Attorney Docket No.	VPI/02-123US
Total Pages	35

### Message or Comment

If any problems occur with this fax transmittal, please call (617) 444-6168 immediately.

RECEIVED  
CENTRAL FAX CENTER  
DEC 08 2005

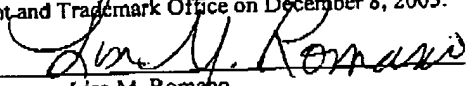
Attorney Docket No.: VPI/02-123 US


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/700,936  
Confirmation No.: 5983  
Filing Date: November 4, 20003  
Examiner: Kahsay Habte  
Group Art Unit: 1624  
Applicants: Randy S. Bethiel et al.  
For: COMPOSITIONS USEFUL AS INHIBITORS OF JAK AND  
OTHER PROTEIN KINASES

Certificate of Facsimile Transmission Under 37 CFR §1.8

I hereby certify that this correspondence and any documents referred to as attached hereto is/are being  
facsimile transmitted to the United States Patent and Trademark Office on December 8, 2005.

  
Lisa M. Romano

  
Signature

December 8, 2005  
Cambridge, Massachusetts

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith: ☒ a Reply to Notice of Non-Compliant Amendment  
☒ a copy of the Notice of Non-Compliant Amendment; ☐ Reply to Office Action; ☐  
☐ a Petition for Extension of Time; ☐ a substitute Specification; ☐ a Declaration; ☐ a  
Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of  
Attorney; ☐ formal drawings; ☐ Notice of Appeal; ☐ Appeal Brief; ☐ Petition for  
Revival; to be filed in the above-identified patent application.

Applicants: Randy S. Bethiel et al.  
Application No. 10/700,936

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 50	= \$ 0
INDEPENDENT CLAIMS	-	** =	X \$ 200	= \$ 0
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM			+ \$ 360	= \$
TOTAL				\$ 0

\* If less than 20, insert 20.

\*\* If less than 3, insert 3.

- ☐ A check in the amount of \$\_\_ in payment of the filing fee is transmitted herewith.
- ☐ Please charge \$\_\_ to Deposit Account No. 50-0725 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

Applicants: Randy S. Bethiel et al.  
Application No. 10/700,936

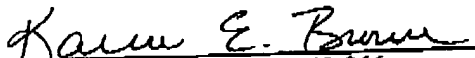
EXTENSION FEE

- ☐ The following extension is applicable to the Response filed herewith; ☐ \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,160.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of ☐ \$120.00; ☐ \$450.00; ☐ \$1,020.00; ☐ \$1,590.00; ☐ \$2,160.00 in payment of the extension fee is transmitted herewith.
- ☐ Please charge the extension fee in the amount of ☐ \$120.00; ☐ \$450.00; ☐ \$1,020.00; ☐ \$1,590.00; ☐ \$2,160.00 to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

MISCELLANEOUS FEES

- ☐ Please charge \$\_\_\_\_\_ to Deposit Account No. 50-0725 in payment of the for \_\_\_\_\_ (37 C.F.R. § \_\_\_\_\_).

Respectfully submitted,

  
Karen E. Brown, Reg. No. 43,866  
Attorney for Applicants  
c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, Massachusetts 02139  
Tel: (617) 444-6168  
Fax: (617) 444-6483  
Customer No. 27916

**RECEIVED**  
**CENTRAL FAX CENTER**  
**DEC 08 2005**

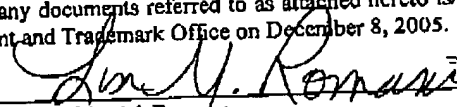
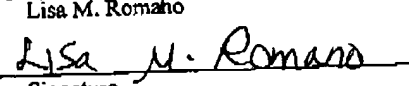
Attorney Docket No.: VPI/02-123 US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/700,936  
Confirmation No.: 5983  
Filing Date: November 4, 20003  
Examiner: Kahsay Habte  
Group Art Unit: 1624  
Applicants: Randy S. Bethiel et al.  
For: COMPOSITIONS USEFUL AS INHIBITORS OF JAK AND  
OTHER PROTEIN KINASES

**Certificate of Facsimile Transmission Under 37 CFR §1.8**

I hereby certify that this correspondence and any documents referred to as attached hereto is/are being facsimile transmitted to the United States Patent and Trademark Office on December 8, 2005.

  
\_\_\_\_\_  
Lisa M. Romano  
  
\_\_\_\_\_  
Signature

December 8, 2005  
Cambridge, Massachusetts

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Sir:

Transmitted herewith: ☒ a Reply to Notice of Non-Compliant Amendment  
☒ a copy of the Notice of Non-Compliant Amendment; ☐ Reply to Office Action; ☐  
☐ a Petition for Extension of Time; ☐ a substitute Specification; ☐ a Declaration; ☐ a  
Supplemental Declaration; ☐ a Power of Attorney; ☐ an Associate Power of  
Attorney; ☐ formal drawings; ☐ Notice of Appeal; ☐ Appeal Brief; ☐ Petition for  
Revival; to be filed in the above-identified patent application.

Applicants: Randy S. Bethiel et al.  
Application No. 10/700,936

FEE FOR ADDITIONAL CLAIMS

☒ A fee for additional claims is not required.

☐ A fee for additional claims is required.

The additional fee has been calculated as shown below:

CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDITIONAL FEES
TOTAL CLAIMS	-	* =	X \$ 50	= \$ 0
INDEPENDENT CLAIMS	-	** =	X \$200	= \$ 0
FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM		+	\$360	= \$
TOTAL				\$ <u>0</u>

\* If less than 20, insert 20.

\*\* If less than 3, insert 3.

☐ A check in the amount of \$\_\_\_ in payment of the filing fee is transmitted herewith.

☐ Please charge \$\_\_\_ to Deposit Account No. 50-0725 in payment of the filing fee. A duplicate copy of this transmittal letter is transmitted herewith.

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 C.F.R. § 1.16, in connection with the paper(s) transmitted herewith, or credit any overpayment of same, to deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

Applicants: Randy S. Bethiel et al.  
Application No. 10/700,936


EXTENSION FEE

- ☐ The following extension is applicable to the Response filed herewith; ☐ \$120.00 extension fee for response within first month pursuant to 37 C.F.R. § 1.136(a); ☐ \$450.00 extension fee for response within second month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,020.00 extension fee for response within third month pursuant to 37 C.F.R. § 1.136(a); ☐ \$1,590.00 extension fee for response within fourth month pursuant to 37 C.F.R. § 1.136(a); ☐ \$2,160.00 within fifth month pursuant to 37 C.F.R. § 1.136(a).
- ☐ A check in the amount of ☐ \$120.00; ☐ \$450.00; ☐ \$1,020.00; ☐ \$1,590.00; ☐ \$2,160.00 in payment of the extension fee is transmitted herewith.
- ☐ Please charge the extension fee in the amount of ☐ \$120.00; ☐ \$450.00; ☐ \$1,020.00; ☐ \$1,590.00; ☐ \$2,160.00 to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.
- ☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17 in connection with the paper(s) transmitted herewith, or to credit any overpayment of same, to Deposit Account No. 50-0725. A duplicate copy of this transmittal letter is transmitted herewith.

MISCELLANEOUS FEES

- ☐ Please charge \$\_\_\_\_\_ to Deposit Account No. 50-0725 in payment of the for \_\_\_\_\_ (37 C.F.R. §\_\_\_\_\_).

Respectfully submitted,

  
Karen E. Brown, Reg. No. 43,866  
Attorney for Applicants  
c/o Vertex Pharmaceuticals Incorporated  
130 Waverly Street  
Cambridge, Massachusetts 02139  
Tel: (617) 444-6168  
Fax: (617) 444-6483  
Customer No. 27916



*10/3 12/8/05*

**UNITED STATES PATENT AND TRADEMARK OFFICE**

*12/8/05*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1420  
Alexandria, Virginia 22313-1420  
www.uspto.gov

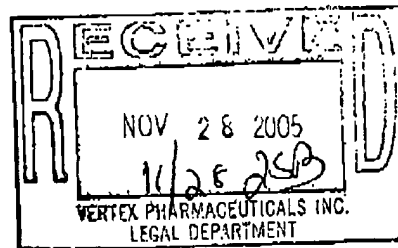
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,936	11/04/2003	Randy S. Bethiel	VPJ/02-123 US	5983
27916	7590	11/25/2005	EXAMINER	
VERTEX PHARMACEUTICALS INC. 130 WAVERLY STREET CAMBRIDGE, MA 02139-4242			HABTE, KAHSAI	
			ART UNIT	PAPER NUMBER
			1624	

**DOCKETED**

*NOTICE of  
Non-Compliance  
12/25/05*

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.





# **Notice of Non-Compliant Amendment (37 CFR 1.121)**

Application No.

10/700,936

Examiner

Kahsay Habte, Ph. D.

Applicant(s)

BETHIEL ET AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on \_\_\_\_\_ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
  - ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_.
- ☐ 2. Abstract:
  - ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_.
- ☐ 3. Amendments to the drawings:
  - ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - ☐ C. Other \_\_\_\_\_.
- ☒ 4. Amendments to the claims:
  - ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: See Continuation Sheet.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

## **TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

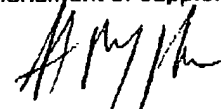
1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, **entire corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to submit the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.



12/08/2005 14:39 FAX

010/035

Continuation Sheet (PTOL-324)

Application No. 10/700,035

Continuation of 4(e) Other. Claim 29 has no proper status identifier and also there is problem with claim 12. Note that the methylenedioxy in claim 12 should not be underlined. Check all the claims for proper status identifier.